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ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
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27 July 2011

Ms. Jane Barton
National Focal Point for the Aarhus Convention
EU and International Coordination
Department for Environment, Food and Rural Affairs (DEFRA)
Area 1 Nobel House, 17 Smith Square
London SW1P 3JR, United Kingdom

Mr. Geoff Meaden
The Kent Environment and Community Network
'Gorewell', Old Wives Lees, Selling Road
nr. Canterbury, Kent CT4 8BD
United Kingdom

Dear Ms. Barton,
Dear Mr. Meaden,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom in connection with the planning decision for a superstore in Hythe and access to justice in general (Ref. ACCC/C/2010/45)

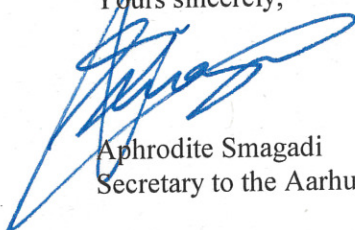
At its thirty-third meeting (27-28 June 2011), the Committee considered the progress on the above-referenced communication. It noted that the breaches of the Convention alleged in the communicant's submissions of 12 June 2011 (namely articles 6, paragraphs 1(b), 2, 3, 4, 6, 8, 9, and 10, article 7 and article 9, paragraphs 2 and 3) were considerably expanded upon those breaches alleged in the original communication (article 9, paragraphs 2 (b), 3, 4 and 5). The Committee expressed its disapproval of such a "moving targets" approach, inter alia, because it raises procedural issues with regard to admissibility and fairness to the Party concerned.

The Committee confirmed that by applying summary proceedings, it will not deal with any of the issues already dealt with in the scope of its findings on communications ACCC/C/2008/23, ACCC/C/2008/27 and ACCC/C/2008/33, in particular those relating to costs.

With respect to the new allegations made in the communicant's letter of 12 June 2011 and the planning policy in the United Kingdom, the Committee observed that a new communication ACCC/C/2011/60 (United Kingdom), submitted on 24 June 2011, raised some similar issues. The Committee agreed that it would decide how to proceed with respect to the new allegations, and which issues to address, after the Party concerned had been provided with an opportunity to respond to both the new allegations and the related issues raised in the communication ACCC/C/2011/60 (United Kingdom), according to paragraph 23 of the annex to decision I/7.

If you wish to submit additional information, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva
Mr. T Ewing, communicant of ACCC/C/2011/60